

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1155 be amended to read as follows:

- 1 Page 7, between lines 37 and 38, begin a new paragraph and insert:
- 2 **"(k) As a condition of parole, the parole board shall prohibit, in**
- 3 **accordance with IC 35-38-2-2.6, a parolee who has been convicted**
- 4 **of stalking from residing within one thousand (1,000) feet of the**
- 5 **residence of the victim of the stalking.**
- 6 SECTION 3. IC 35-38-2-2.6 IS ADDED TO THE INDIANA
- 7 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 8 [EFFECTIVE JULY 1, 2006]: Sec. 2.6. (a) A condition of remaining
- 9 on probation or parole after a conviction for stalking (IC
- 10 35-45-10-5) is that the person not reside within one thousand
- 11 (1,000) feet of the residence of the victim of the stalking.
- 12 (b) A person:
- 13 (1) who will be placed on probation shall provide the
- 14 sentencing court and the probation department with the
- 15 address where the person intends to reside during the period
- 16 of probation:
- 17 (A) at the time of sentencing if the person will be placed on
- 18 probation without first being incarcerated; or
- 19 (B) before the person's release from incarceration if the
- 20 person will be placed on probation after completing a term
- 21 of incarceration; or
- 22 (2) who will be placed on parole shall provide the parole
- 23 board with the address where the person intends to reside
- 24 during the period of parole.
- 25 (c) A person, while on probation or parole, may not establish a

new residence within one thousand (1,000) feet of the residence of the victim of the stalking unless the person first obtains a waiver from the:

(1) court, if the person is placed on probation; or

(2) parole board, if the person is placed on parole;

for the change of address under subsection (d).

(d) The court or parole board may waive the requirement set forth in subsection (c) only if the court or parole board, at a hearing at which the person is present and of which the prosecuting attorney has been notified, determines that:

(1) the person is in compliance with all terms of the person's probation or parole; and

(2) good cause exists to allow the person to reside within one thousand (1,000) feet of the residence of the victim of the stalking.

(e) If the court or parole board grants a waiver under subsection (d), the court or parole board shall state in writing the reasons for granting the waiver. The court's written statement of its reasons shall be incorporated into the record.

(f) The address of the victim of the stalking is confidential even if the court or parole board grants a waiver under subsection (d).

SECTION 3. IC 35-40-6.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]:

Chapter 6.5. Stalker Registry

Sec. 1. As used in this chapter, "stalker" means a person convicted of stalking under IC 35-45-10-5.

Sec. 2. A prosecuting attorney may establish and maintain a stalker registry web site to inform the general public about the identity, location, and appearance of a stalker residing within the judicial circuit served by the prosecuting attorney. The web site may provide information about each stalker in the judicial circuit, including:

(1) a photograph of the stalker; and

(2) the home address of the stalker.

Sec. 3. The stalker web site may be funded from:

(1) a grant from the criminal justice institute; or

1 **(2) any other source, subject to the approval of the county**
2 **fiscal body.**

3 **Sec. 4. A stalker may be required to provide information for use**
4 **by the stalker registry web site as a condition of probation or**
5 **parole."**

(Reference is to HB 1155 as printed January 27, 2006.)

Representative Thompson